IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL NO.315 OF 2004

IN

NOTICE OF MOTION NO.1613 OF 2001

IN

SUIT NO.2054 OF 2001

...

M/s.Precimet Diamonds (I) Ltd.
& ors. ...Appellants

v/s.

M/s.Pawan Jewellers ...Respondent

...

Mr.G.C.Mohanty for the Appellants.
Mr.Y.P.Yagnik for the Respondent.

...

CORAM: D.K.DESHMUKH &
J.H.BHATIA, JJ.

DATED: 16TH AUGUST, 2007

P.C.:

. By consent of parties, the Appeal is disposed of in following terms:

i. The order impugned in the Appeal dated 4-11-2006 passed in Notice of Motion No.1613 of 2001 is set aside.

ii. The statement made by the learned counsel appearing for the Appellant that the suit flat has been transferred by the Appellant on 6th February, 2003 by deed of transfer and that possession of the flat has been handed over to the purchaser is accepted.

iii. In view of the above referred statement, the Plaintiff is granted leave to amend the plaint for joining the purchaser as defendant to the suit. Amendment to be carried within a period of three weeks from today.

iv. The learned Counsel appearing for the Appellant

states that copy of the deed of transfer executed by the Appellant in favour of the purchaser will be handed over to the advocate for the Plaintiff within a period of one week from today.

v. By order of interim injunction the Defendant and purchaser to whom the flat has been transferred are restrained from transferring, alienating, creating third party rights, as also parting with the possession of the flat.

vi. This order of temporary injunction shall remain in force for a period of twelve weeks from today.

vii. The Plaintiff after amending the plaint pursuant to leave granted above, shall be at liberty to take out a motion for appropriate interim relief.

viii. Appeal disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)